

Application Serial No.: 09/896,682
Attorney Docket No.: 01CON303P

REMARKS

This Amendment and Response is in response to the Advisory Office Action, dated February 15, 2005, where the Examiner has rejected claims 1, 3-10, and 12-18. By the present amendment, claims 1 and 10 have been amended, and new claims 19 and 20 have been added. After the present amendment, claims 1, 3-10, and 12-20 will be pending in the present application. An early allowance of claims 1, 3-10, and 12-20 in view of the following remarks is respectfully requested.

A. Rejections of Claims 1, 3-10, and 12-18 under 35 USC § 103(a)

The Examiner has rejected claims 1, 3-10, and 12-18 under 35 USC § 103(a) as being unpatentable over U.S. Patent Number 6,456,964 to Manjunath, et al. ("Manjunath") in view of U.S. Patent Number 5,778,338 to Jacobs, et al. ("Jacobs").

Claim 1, as amended, recites "determining if the estimated spectral content of the speech signal is representative of one of a plurality of defined reference spectral responses including an IRS spectral response and an MIRS spectral response; selecting a preferential coding algorithm from an assortment of coding algorithms based on the determining; ... wherein the coding of the speech signal in accordance with the selected coding algorithm compensates for at least one of an IRS speech signal and an MIRS speech signal to produce a frequency-response compensated speech signal."

In the Advisory Office Action, the Examiner refers to col. 5, lines 45-54 of Manjunath, as disclosing that line spectrum information (LSI) coefficients are calculated, and concludes that such information must be used at step 310 for selection of the encoding mode. Although

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applicant believes that such conclusion is not warranted based on the disclosure of Manjunath, applicant has amended claim 1 to recite “determining if the estimated spectral content of the speech signal is representative of one of a plurality of defined reference spectral responses including an IRS spectral response and an MIRS spectral response; selecting a preferential coding algorithm from an assortment of coding algorithms based on the determining.” It is respectfully submitted that the cited references do not disclose, teach or suggest “determining if the estimated spectral content of the speech signal is representative of one of a plurality of defined reference spectral responses including an IRS spectral response and an MIRS spectral response.”

In other words, even assuming, arguendo, that Manjunath uses the LSI coefficients for selecting a preferential coding algorithm, Manjunath does not disclose, teach or suggest “determining if the estimated spectral content of the speech signal is representative of one of a plurality of defined reference spectral responses including an IRS spectral response and an MIRS spectral response; selecting a preferential coding algorithm from an assortment of coding algorithms based on the determining.”

Furthermore, as acknowledged by the Examiner, Manjunath does not disclose, teach or suggest “wherein the coding of the speech signal in accordance with the selected coding algorithm compensates for at least one of an IRS speech signal and an MIRS speech signal to produce a frequency-response compensated speech signal.” In addition, the Examiner has not indicated that Jacobs discloses that its coding algorithm compensates for at least one of an IRS speech signal and an MIRS speech signal to produce a frequency-response compensated speech signal.

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Accordingly, applicant respectfully submits that the present invention as defined by independent claims 1 and 10 is not taught, disclosed, or suggested by the art of record. Thus, independent claims 1 and 10 are patentably distinguishable over the art of record. As such, the claims depending from amended independent claims 1 and 10 are, *a fortiori*, also patentable for at least the reasons presented above and also for additional limitations contained in each dependent claim.

B. New Claims 19 and 20

By the present amendment, applicant has added new claims 19 and 20, which depend from claims 1 and 10, respectively. Claim 19 recites “wherein the estimating, the determining, the selecting and the coding are performed periodically during a conversation that exceeds a duration threshold, such that during the conversation the selecting may select a different preferential coding algorithm from the assortment of coding algorithms based on the determining.” Applicant respectfully submits that the support for claim 19 may, for example, be found at page 39 of the present application. It is respectfully submitted that the cited references fail to show the limitations of claim 19. Further, claim 20 has limitations similar to those of claim 19.

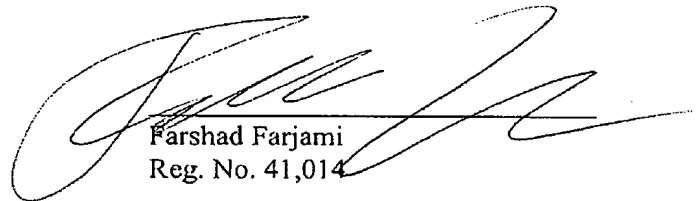
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C. Conclusion

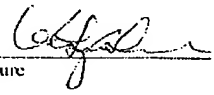
Based on the foregoing reasons, an early notice of allowance for claims 1, 3-10, and 12-20 remaining in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP

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Farshad Farjami
Reg. No. 41,014

FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

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